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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,119	03/17/2005	Patrice Cardine	60130-2246	8871
26096 7590 09/15/2010 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			EXAMINER REDMAN, JERRY E	
			ART UNIT 3634	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/511,119  
Filing Date: March 17, 2005  
Appellant(s): CARDINE ET AL.

\_\_\_\_\_  
Ms. Karin H. Butchko  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 9/2/2010 appealing from the Office action mailed 3/4/2010.

**(1) Real Party in Interest**

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The following is a list of claims that are rejected and pending in the application:  
2-10, 12, 15, 17, 19, 21, and 23-29 are pending and stand rejected under 35 U.S.C. 102 (b).

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

**(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

**(8) Evidence Relied Upon**

0 262 283 A1

RIEDER

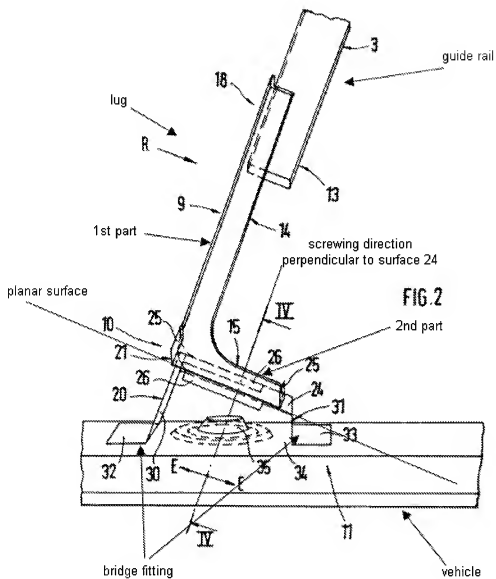
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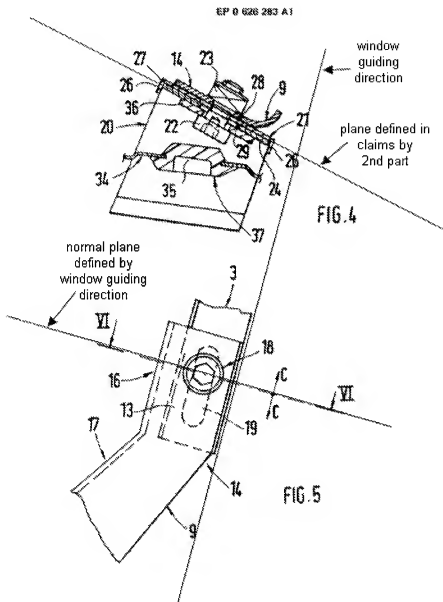
**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 2-10, 12, 15, 17, 19, 21, and 23-29 are rejected under 35 U.S.C. 102(b) as being anticipated by EP patent no 0 262 283 A1 to Rieder. As shown in Figure 2 below, EP patent no 0 262 283 A1 to Rieder discloses a vehicle body (11) comprising a window regulator having a lug (9), a window guide rail (3) defining a window guiding direction with the guide rail (3) having two ends with the lug (9) attached to one end, a

bridge fitting (20) having an upper surface (24), the lug (9) further comprises a first part (14) for fixing to the guide rail (3), and a second planar part/portion having an oblong hole (15 and 21 is the second part and 28 is the oblong hole and only the portion that contacts upper surface 24 is the second part) defining a plane fixed by screwing (22 and 23, see figure 3) onto the bridge fitting (20) with the screwing direction being a normal line (at an angle of about 45 degrees) substantially perpendicular to the plane and the normal line is inclined relative to the window guiding direction. [NOTE: Figures 3-5 discloses an angle between two segments (16 and 17) defining the 1<sup>st</sup> part which is at an angle with respect to the window guiding direction. Also see the difference between the angle between the planar surface defined in Figure 4 (and seen in figure below) and the axis defined by the cross-section in Figure 5 in that these two planes are angled with respect to each other]





### (10) Response to Argument

The appellant's arguments have been considered but are not deemed persuasive. The only issue is the following: Is the screwing direction being a normal line substantially perpendicular to the plane and the normal line is inclined relative to the window guiding direction?

As noted above, the window guiding direction has been more clearly defined. With respect to EP patent no 0 262 283 A1 to Rieder, it appears that Figure 1 leaves out the defined angle shown in Figures 3-5. Although the Examiner appreciates the modified axis shown in figures 2-3 within the appellant's arguments, the details are more clearly seen in Figures 4 and 5 and shown above to more clearly define the planes and the window guiding direction "NOT" being parallel with one another. Thus, since the first part is bent "into" the paper as shown in Figures 2 and 5 above, the screwing direction being a normal line is inclined to the window guiding direction.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jerry Redman

/Jerry Redman/  
Primary Examiner, Art Unit 3634

Conferees:

Ms. Darnell Jayne /dj/

Ms. Katherine Mitchell /kwm/



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Art Unit: 3634

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